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From: DANIEL KASTEN

Date: FEBRUARY 26, 2004

Message:

APPLICATION: WOLD, WILLIAM S.M.
 SERIAL NO: 09/111,911
 FILED: 08/08/98
 FOR: INHIBITING APOPTOSIS WITH ADENOVIRUS RID PROTEIN
 GROUP NO: 1632
 ATTY. DOCKET NO: 66153/5587
 EXAMINER: RAM R. SHUKLA, PH.D.

Atty/Client/Matter No.: 3067/66153/5587


Total Number of Pages, including this page: **4**

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PTO/SB/21 (08-00)


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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/111,911
	Filing Date	07/08/98
	First Named Inventor	Wold, William S.M.
	Group Art Unit	1632
	Examiner Name	Ram R. Shukla, Ph.D.
Total Number of Pages In This Submission	1	Attorney Docket No. 66153/5587

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Charge Deposit Account -20-0823 <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> Affidavits/declarations(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b))	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Request To Rescind Previous Nonpublication Request <input type="checkbox"/> Response to Notice of Allowability <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supplemental Remarks to Accompany Applicants Petition under 37 C.F.R. 1.181, Filed November 4, 2003.
Remarks: <input checked="" type="checkbox"/> Commissioner is hereby authorized to charge fees in this application and any fees which may be required, or any overpayment, to Deposit Account 20-0823. I have enclosed a duplicate copy of this sheet <input type="checkbox"/> Amount:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Daniel S. Kasten, Thompson Coburn LLP, #1 US Bank Plaza, St. Louis, MO 63101
Signature	
Date	February 26, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this document is being transmitted to the U.S. Patent and Trademark Office via facsimile to fax no. 703-872-9306 on this 26 th day of February, 2004			
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I hereby certify that the foregoing document and all referenced attachments were transmitted via facsimile to the Office of Petitions at the U.S. Patent and Trademark Office, facsimile number 703-872-9306, on February 26, 2004.



Daniel S. Kasten

Registration No. 45,363

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Wold, William S.M.	Group No.:	1632
Serial No.:	09/111,911	Atty. Docket No.:	66153-5587
Filed:	July 8, 1998		
For:	Inhibiting Apoptosis with Adenovirus RID Protein	Examiner:	Ram. R. Shukla, Ph.D.

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL REMARKS TO ACCOMPANY APPLICANTS PETITION UNDER 37
C.F.R. §1.181, FILED November 4, 2003

HONORABLE SIR:

Further to Applicants Petition Under 37 C.F.R. §1.181, filed November 4, 2003, Applicant submits the following remarks, to be entered in the case and considered.

As the Petition points out, Applicants submitted a response to the final Office Action dated June 17, 2002 on August 14, 2002. The Office issued an Advisory Action on September 13, 2002. Applicants then submitted an amendment on October 4, 2002, along with the appropriate request for extension of time, and fee. For reasons unknown to Applicants, that amendment (dated 10/4/02) was not entered into the file. Subsequently, Applicants re-submitted the 10/4/02 amendment on April 3, 2003 again on June 3, 2003. The Office then issued a further Advisory Action dated September 4,

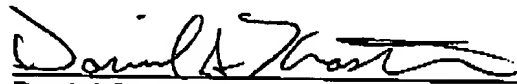
2003. Applicants now wish to further comment on issues relative to the October 4, 2002 response, and the September 4, 2003 Advisory Action.

The 10/4/02 response addresses all of the issues raised in the final Office Action of June 17, 2002. In the Advisory Action of September 4, 2003, the Office points out that Applicants had not addressed enablement concerns with respect to claim 26 in the 10/4/02 response. Here, Applicants note that the enablement issues related to the fact that the examples in the specification describe a mouse model. The Office asserts that such models are not sufficient to show enablement with respect to non-mouse hosts. As claim 26 recites "...wherein the host is a mouse," the enablement issues are misplaced. Claim 26 was at no point during prosecution subject to rejection. Applicants respectfully point out that the Amendment of October 4, 2002 puts the application in condition for allowance.

As stated above, the October 4, 2002 amendment was not entered into the file until well after the six-month statutory deadline for responding to the Office Action of June 17, 2002. It is clear, based on the evidence accompanying Applicants petition, that the amendment was not entered in the file due to Patent Office error. Accordingly, Applicants respectfully request that the Amendment dated October 4, 2002 be entered, and the case be allowed. Applicants would be unduly penalized if required to pay additional fees, such as for revival of an abandoned application or appeal, in order to obtain allowance of this application. Applicants, as of October 4, 2002, have complied with all requirements of the Patent Office, and accordingly request allowance of this application.

Prompt allowance of this application is respectfully requested.

Respectfully submitted,



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